

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

____ Division

Tamyka Brown

Case No. _____

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Ellen Marie Hess; Ralph Northam; Maiju Ganeriwala

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Tamyka Brown</u>
Street Address	<u>1000 Saint Andrews Way, Unit A</u>
City and County	<u>Chesapeake</u>
State and Zip Code	<u>VA</u>
Telephone Number	<u>757-933-0093</u>
E-mail Address	<u>tbrown0211@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>Ellen Marie Hess</u>
Job or Title <i>(if known)</i>	<u>Commissioner, Virginia Unemployment Compensation</u>
Street Address	<u>6606 West Broad Street</u>
City and County	<u>Richmond</u>
State and Zip Code	<u>Virginia, 23230</u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u>ellenmarie.hess@vec.virginia.gov</u>

Defendant No. 2

Name	<u>Ralph Northam</u>
Job or Title <i>(if known)</i>	<u>Governor of the Commonwealth of Virginia</u>
Street Address	<u>State Capitol Third Floor</u>
City and County	<u>Richmond</u>
State and Zip Code	<u>Virginia, 23219</u>
Telephone Number	<u>804-786-2211</u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 3

Name	<u>Maiju Ganeriwala</u>
Job or Title <i>(if known)</i>	<u>State Treasurer Risk Management Division</u>
Street Address	<u>101 North 14th Street</u>
City and County	<u>Richmond</u>
State and Zip Code	<u>Virginia, 23219</u>
Telephone Number	<u>804-225-2142</u>
E-mail Address <i>(if known)</i>	<u></u>

Defendant No. 4

Name	<u></u>
Job or Title <i>(if known)</i>	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address <i>(if known)</i>	<u></u>

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 U.S. Code § 1657

42 U.S. Code § 503

Amendment XIV

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

The Defendants negligence and lack of action towards the resolution of such negligence has breached various constitutional and statutory rights afforded to plaintiff resulted in damages of \$76,000.00

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Under §60.2-100 of the Virginia Code, the Defendants have recklessly neglected numerous duties established, which has led to the violation of the plaintiff's constitutional rights of due process. Plaintiff was laid off from employment due to COVID-19 on December 15, 2020. Plaintiff promptly applied for unemployment benefits to which she is rightfully entitled to. Plaintiff engaged in the appropriate and constant follow-up communication required of her in regards to her application and entitled benefits. Approximately 5 months have passed since Plaintiff submitted her application, and the Defendants have not provided her with a response. Despite being aware of their duties under §60.2-100 and having a statutory obligation to pay benefits when due, the Defendants continue to neglect their duties and provide proper and functional resources towards a resolution while continuing to deprive the plaintiff of her constitutional rights.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff therefore demands judgement against Defendant in the amount of \$76,000.00 (SEVENTY SIX THOUSAND DOLLARS AND ZERO CENTS)for:

1. Inconvenience
2. Mental Anguish
3. Emotional Distress;
4. Per-judgement Interest, Post-Judgement Interest, Costs and Any Other Appropriate Relief.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 7, 2021

Signature of Plaintiff

Printed Name of Plaintiff Tamyka Brown

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

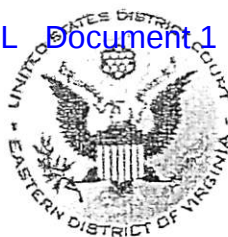
Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



INFORMATION FORM

NOTICE:

(03/27/20)

- In conjunction with General Order 2020-08 re: COVID-19, the Clerk's office counters are closed to the public until further notice to minimize personal interactions.
- The public may use the drop box during hours when the court is closed but the buildings are open to the public.
- Clerk's Office staff retrieve documents from the drop boxes at 9:00 a.m. each day that the court is open.

Date: 04/07/2021

Case Name (if applicable): _____

Case Number(s) (if applicable): _____

Company/Firm: _____

Name/Contact: Tamika Brown

Address: 1000 Saint Andrews Way Unit A

City, State, Zip: Onesapeake VA 23820

Phone: 757 933 0093

Email Address: tbrown0211@gmail.com

CHECK/MONEY ORDER ENCLOSED Yes _____ No ☒ (CASH NOT ACCEPTED)

- **IMPORTANT** - Before placing your filing in the drop box, please ensure the following:
 - ✓ Case number and caption clearly identified on document(s).
 - ✓ Documents have been signed.
 - ✓ If documents are being filed by pro se litigant, please complete and sign the form titled: Local Rule 83.1(M) Certification and submit with your document(s).
- **QUESTIONS?** Please use provided drop box telephone to call
 - ✓ Richmond – 804-916-2220
 - ✓ Alexandria – 703-299-2100
 - ✓ Norfolk/Newport News - 757-222-7201

Tamyka Brown
1000 Saint Andrews Way, Unit A
Chesapeake, VA 23320

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CLERK US DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
_____ DIVISION

Tamyka Brown

Plaintiff(s),

v.

Ellen Marie Hess, Ralph
Northam, Maiju Ganeriwala

Defendant(s).

Civil Action Number: _____

LOCAL RULE 83.1(M) CERTIFICATION

I declare under penalty of perjury that:

No attorney has prepared, or assisted in the preparation of Complaint for Civil Case
Civil Cover Sheet (And all related documents attached)
(Title of Document)

Tamyka Brown

Name of Pro Se Party (Print or Type)

Tamyka Brown

Signature of Pro Se Party

Executed on: 04/07/2021 (Date)

OR

The following attorney(s) prepared or assisted me in preparation of _____
(Title of Document)

(Name of Attorney)

(Address of Attorney)

(Telephone Number of Attorney)

Prepared, or assisted in the preparation of, this document

Tamyka Brown

(Name of Pro Se Party (Print or Type))

Tamyka Brown

Signature of Pro Se Party

Executed on: _____ (Date)